

Response ID ANON-FRGY-GDFZ-3

Submitted to Consultation on changes to the UK designs framework
Submitted on 2025-11-27 17:16:55

Introduction

1 What is your name?

Name:
David Parrish

2 What is your email address?

Email:
david.parrish@cms-cmno.com

3 What is your organisation/company?

Organisation:
The City of London Law Society

4 The Intellectual Property Office may wish to contact you to discuss your response. Would you be happy to be contacted to discuss your response?

Yes

5 If you are an individual, are you,

Not applicable/I'm responding on behalf of an organisation

Please specify:

6 If you are responding on behalf of an organisation, are you?

An industry or trade organisation (including legal)

Please specify:

The City of London Law Society ("CLLS") represents approximately 21,000 City lawyers through individual and corporate membership, including some of the largest international law firms in the world. These law firms advise a variety of clients, from multinational companies and financial institutions to Government departments, often in relation to complex, multijurisdictional legal issues. The CLLS responds to a variety of consultations on issues of importance to its members through its 22 specialist committees. This response has been prepared by the CLLS Intellectual Property Law Committee. A list of the current members of those committees can be found at www.clis.org. The diverse interests of clients of CLLS member firms means that the CLLS has chosen not to adopt a position on certain of the questions asked. The CLLS has also not answered certain questions because they were not applicable to the CLLS.

7 If you are a designer or design business, which of the following best describes your main area of industry?

N/A

Please specify:

8 Are your designs;

N/A

9 If you are responding as a design business, how many people does your business employ?

N/A

10 Approximately how many designs have you registered in the last 12 months (in your own right, on behalf of a business or on behalf of clients)? If possible, please specify approximately how many.

N/A

Please specify:

11 Where are you based? If your business has more than one site, or if you work from multiple sites, please answer for the site where you work from most of the time.

UK

Please specify:

Section A - Search, examination, bad faith and opposition/observation

12 Have you/your business experienced anti-competitive filings?

N/A

13 If yes, how many times has this happened to you in the past two years?

N/A

Please specify:

14 Was the anticompetitive filing for (tick all that apply):

Please give us your views:

15 How did you address the issue (select all which apply)?

Please give us your views:

16 Did this have a financial impact on your business?

Not Answered

17 If yes, how much did it cost your business?

Not Answered

Please specify:

Section A1 - Search and examination

18 Do you agree that the “do nothing” option should be discounted?

No

19 Please rank the options (most preferred being option 1 and least preferred being option2)

Please give us your views - Option 1 - Introduce powers to make it clear that the IPO can carry out a search:

1

Please give us your views - Option 2 - Introduce a two-stage system:

2

20 If limited searching was introduced, which designs should be subject to search? (select all that apply)

Designs which IPO knows are the same as another e.g. re-filing a previously invalidated design., Applications to register generic products/designs., Designs which an examiner suspects may be anti-competitive.

Please specify:

21 To what extent do you agree or disagree that limited searching would help address the number of anticompetitive filings?

Agree

22 If better search tools become available to allow a search to be carried out quickly, do you think IPO should extend searching to other design applications?

Don't know

23 If limited searching is reintroduced, would it provide you/your business with:

Not Answered

24 If limited searching is reintroduced, would the impact on you/your business be;

Not Answered

25 To what extent do you agree or disagree that limited searching would help address the number of anticompetitive filings?

Agree

26 If a two-stage system was introduced, should the pre-enforcement examination be limited to an assessment of novelty, or should it include individual character?

Search should be limited to novelty

27 If a two-stage system was introduced, to what extent do you agree that litigation should be able to start prior to the search and examination, while allowing the defendant time to see results prior to filing their defence.

Agree

28 If a two-stage system is introduced, would it provide you/your business with:

Not Answered

29 If a two-stage system is introduced, would the impact on you/your business be:

Not Answered

30 Please provide any additional information or evidence relevant to search and examination. In particular we would like to hear about any impacts the current system has had on your business, or any impacts you anticipate the options set out above would have on your business:

Please give us your views:

We consider that the "do nothing" option should not necessarily be discounted. The question really is whether approximately 9% of designs registrations being pre-existing (whether filed anticompetitively or where they are not new but filed in good faith) warrants a change. As noted in the consultation, "do nothing" would mean that designs would continue to be registered quickly and costs would continue to be kept low. There is something to be said for avoiding additional complications in order to encourage use of the designs registration system, particularly by individual designers and SMEs.

If the IPO is able to carry out a search, we propose that the search should be limited to novelty and should not be carried out as a matter of routine. This is so that any slowing down of the registration process and any increase in costs are minimised. The IPO will need to be mindful in the context of conducting such a search that it may not be clear whether a prior disclosure identified by the IPO was made by the applicant.

Section A2 - Bad faith

31 To what extent do you agree or disagree with the proposed approach to introduce an explicit bad faith provision for designs?

Neither agree nor disagree

32 To what extent do you agree or disagree with each of the following? A bad faith provision would allow IPO to address:

Please give us your views - Applications for well-known products:

Agree

Please give us your views - Applications where another company's product photographs are used by a third party to seek protection:

Agree

Please give us your views - Applications which are re-filed for previously invalidated designs:

Agree

Please give us your views - Anti-competitive applications more generally:

Agree

33 If a bad faith provision is introduced, would it provide you/your business with:

Not Answered

34 If a bad faith provision is introduced, would any impact on you/your business be:

Not Answered

35 Please provide any additional information relevant to bad faith.

Please give us your views:

The question is whether a small percentage of filings being made in bad faith warrants a change that could cause delay and increased costs for all users of the system.

Consideration could be given to introducing an equivalent to section 32(3) of the UK Trade Marks Act 1994 so that an applicant would in effect confirm that the application is being filed in good faith.

Section A3 - Observation and opposition

36 Please rank the options in order of preference (1=most preferred, 4=least preferred):

Please give us your views - do nothing:

1

Please give us your views - introduce a post-registration opposition period for designs ("registered at risk"):

Please give us your views - introduce a pre-registration opposition period for designs :

Please give us your views - introduce an observation period:

37 In your opinion, would these options provide an effective tool to address potentially anticompetitive or otherwise invalid designs being registered?

Please give us your views - Post-registration opposition:

No

Please give us your views - Pre-registration opposition period:

No

Please give us your views - Observation period:

No

38 How likely would you be to use the following options if introduced?

Please give us your views - Post-registration opposition:

Please give us your views - Pre-registration opposition period:

Please give us your views - Observation period:

39 To what extent do you agree or disagree with the government's view that a two-month period for opposition or observation strikes the right balance between the needs of applicants and third parties?

Not Answered

40 Would publishing a design before registration cause you or your clients any problems if introduced?

Yes

41 Would publishing a design before registration cause you any problems when filing in other countries?

Yes

42 If an opposition or observation period is introduced, would it provide you/your business with a benefit or challenge:

Please give us your views - Post-registration opposition:

Please give us your views - Pre-registration opposition:

Please give us your views - Observation period:

43 If an opposition or observation period is introduced, would any impact on you/your business be:

Please give us your views - Post-registration opposition:

Please give us your views - Pre-registration opposition:

Please give us your views - Observation period:

Section A1/A2/A3 - Combination of options

44 Several options for addressing anticompetitive filings have been set out above. Do you (select appropriate) think:

Please give us your views - It would be useful to users to have different ways of addressing anti-competitive behaviour:

Yes

Please give us your views - Having different ways to address anti-competitive behaviour would unnecessarily complicate the legal framework?:
No

45 Which options should be introduced? (please tick all that apply)

Section A4 - Information on the existence of a right in a registered design (DF21 search)

46 Have you ever used the DF21 service?

Not Answered

47 If so, please explain how you use the DF21 service in your role.

Please give us your views:

48 How many DF21 searches have you filed in the past 5 years?

Please give us your views:

49 What were your main reasons for using this service (tick all that apply)?

Please give us your views:

50 If you have never used the DF21 service before, why not?

Not Answered

51 What do you think is included in a DF21 search (tick all appropriate):

Please give us your views:

Section A - Assessment of impacts

52 Do you agree with our assessment of the impacts as set out in annex 2?

Not Answered

53 Are there any impacts which we have not included but should be?

Not Answered

54 Please supply any relevant information which you consider would be useful and help us assess the impacts of the options.

Please give us your views:

Section B - Deferment

55 To what extent do you agree or disagree with the proposal to introduce an 18-month deferment period:

Not Answered

Section B - Commencement of the deferment period

56 To what extent do you agree or disagree with the proposal to start the deferment period from the earliest date of the application?

Not Answered

Section B - Deferment of registration and publication

57 To what extent do you agree or disagree that both registration and publication should be deferred?

Not Answered

Section B - Information published in respect of a deferred application

58 In your opinion, which information should be published about a deferred design (please tick all that apply):

Name and address of applicant, Name and address of representative, Filing date, Priority date, Locarno class, Locarno subclass

Deferment:

Section B - Prior use and co-pending applications

59 To what extent do you think it would be useful to extend prior use provisions?

Not Answered

60 Would extending prior use provisions provide you/your business with:

Not Answered

61 Would the impact on your/your business of extending prior use provisions be:

Not Answered

62 Please provide any additional information relevant to the government's proposal for a formal deferment provision in designs law.

Deferment:

A 30-month deferment to match the EU may make the UK system more attractive to those who file on a global basis.

Section B - Assessment of impacts

63 Do you agree with our assessment of the impacts as set out in annex 2?

Not Answered

64 Are there any impacts which have not been included, but should be?

Not Answered

65 Please supply any other relevant information which you consider would be useful to help us assess the impacts of the options.

Deferment:

Section C - Graphical User Interfaces and Animated Designs

66 Do you register animated designs/GUIs?

N/A

67 If yes, how many animated designs/GUIs have you registered in the last 12 months?

Not Answered

68 If yes, do you think the current system is fit for purpose for registering animated designs/GUIs?

No

Section C - Graphical User Interfaces and Animated Designs - Options

69 Do you agree that "do nothing" should be discounted?

Yes

70 Would additional guidance on what can be protected as an animated design be useful?

Yes

71 If yes, what would you find helpful to include? (tick all that apply)

What is considered acceptable as an animation/moving design, How a progression is assessed in a sequence of still images representing an animation, Use of an additional description to explain how the animation or sequence transitions in a sequence of still images, How the relationship between different screens is assessed in a piece of software or an app

Please specify:

72 Are there any specific types of animated design that you would like guidance on in relation to whether they would be considered acceptable as a single design?

Please give us your views/evidence:

73 Do you have any examples of animated designs for which you believe guidance would be helpful?

Please give us your views/evidence:

74 Do you think the current definition of a design within the RDA meets the needs of applicants who want to protect animated designs and GUIs?

No

75 Do you think the current definition of a product within the RDA is adequate?

No

76 Would you be in support of the UK amending the definition of a product?

Yes

77 Would you be in support of the UK amending the definition of a design?

Yes

78 If yes, do you think we should make similar changes to the EU?

Yes

79 Would you be in support of the UK extending the rights in a registered design to prohibit creating, downloading, sharing or distributing to others any medium or software which records the design (similar to the EU)?

Yes

80 Should IPO accept file formats which show movement and animation?

Yes

81 Should IPO accept 3D computer-aided design file formats?

Yes

82 If yes, which file types should we accept? Please tick all that apply

Please specify:

83 How problematic do you feel the following would be when protecting a design using a video format? For anything not specified, please use the free text box.

Please give us your views - Claiming priority:

Somewhat problematic

Please give us your views - Displaying the registered design on the register:

Not problematic

Please give us your views - Displaying the registered designs on the registration certificate:

Somewhat problematic

Please give us your views - Certified copies:

Somewhat problematic

Please give us your views - Visual disclaimers:

Somewhat problematic

Please specify:

84 How problematic do you feel the following would be when protecting a design using a CAD file format? For anything not specified, please use the free text box.

Please give us your views - Claiming priority:

Please give us your views - Displaying the registered design on the register:

Please give us your views - Displaying the registered designs on the registration certificate:

Please give us your views - Certified copies:

Please give us your views - Visual disclaimers:

Please specify:

85 Would any potential issues claiming priority be overcome by being able to file a sequence of still images alongside a video or CAD file? Please tell us anything further using the free text box.

Not Answered

Please specify:

86 Under our Public Sector Equality Duty, we do not expect any significant equality impacts from this change. Do you agree? If not, please share any relevant evidence or concerns.

Yes

Please specify:

87 Would you find it useful to file a description to describe an animation or transition?

Yes

88 Do you think that such a description should be published as part of the registration?

Yes

89 Do you think that the scope of protection of a design should be assessed in light of the optional description?

Yes

90 What would the impact be of allowing a description to be filed as part of an application?

Please give us your views - Understanding the register:

Easier

Please give us your views - Carrying out due diligence :

Easier

Please give us your views - Filing in the UK based on a foreign priority:

No change

Please give us your views - Filing abroad based on a UK priority:

Don't know

91 Which options do you think we should introduce? (please select all that apply)

Additional guidance, Amend the legal definitions of a design a product, Increase the file formats available to users, Publish description as part of the registration

92 Please provide any further comments you wish to make about protecting animated designs and graphical user interfaces

Please give us your views:

Section C - Assessment of impacts

93 Do you agree with our assessment of the impacts as set out in annex 2?

Not Answered

94 Are there any impacts which we have not been included but should be? If yes, please briefly explain which additional impacts should be included.

Not Answered

Please give us your views:

Section D - Computer-generated designs

95 Do you agree that the existing computer-generated designs provisions should be removed?

Yes

96 Please explain your answer and provide relevant evidence:

CGW:

The ability of AI systems to generate a high volume of designs at industrial speed means there is an associated risk of AI-generated designs eroding novelty and individual character and crowding out human designers.

97 If the existing computer-generated designs provisions are retained, do you agree that an equivalent provision should be introduced for supplementary unregistered design law?

Yes

98 Do you agree that the same approach for protecting computer-generated designs without a human author should be taken for registered designs, supplementary unregistered designs and UK unregistered designs?

Yes

99 If not, why not?

CGW:

100 Have you ever knowingly relied on the existing computer-generated designs provisions to protect your designs?

Not Answered

101 Would you be impacted if the existing computer-generated designs provisions were removed?

Not Answered

102 If you think you would be impacted by removal of the existing computer-generated designs provisions, please provide evidence to support this:

CGW:

103 Do you think there is conflict between the computer-generated designs provision in UK unregistered design law, and the requirement for UK unregistered designs to be original?

Yes

104 Do you think that the computer-generated designs provisions should be reformed to address this issue, or for any other reason?

Not Answered

105 If 'yes', please explain your answer, including how the provisions should be reformed and provide relevant evidence:

CGW:

106 Should the IPO collect information about the use of AI in the creation of a registered design as part of the application process?

Not Answered

107 If yes, do you think supplying this data should be mandatory?

N/A

108 What information do you think should be collected and why? If you think it should be mandatory to supply this information, what would be the appropriate sanction for not supplying it or supplying it incorrectly, if any?

CGW:

If the supplying of the data is voluntary, it seems unlikely that that an applicant will choose to provide it. Collecting the data could help to resolve questions of authorship and ownership. However, more substantive questions are likely to remain and may ultimately need to be litigated.

Section D - Assessment of impacts

109 Do you agree with our assessment of the impacts as set out in annex 2?

Not Answered

110 Are there any impacts which we have not been included but should be?

Not Answered

111 Please supply any relevant information which you consider would be useful and help us assess the impacts of the options:

CGW:

Section E - Miscellaneous changes

112 Do you agree that an express provision should be introduced to allow an objection to be raised to matter prohibited in law contained in a design application?

Yes

113 If not, why not?

Misc changes:

Section E - Harmonising time periods for response to an official action

114 Do you agree that the registrar should be able to object to both substantive and formalities issues in the same examination report?

Yes

115 Do you agree that the that time limit for responding to both types of objections should be harmonised at 2 months?

Yes

116 If not, why not?

Misc changes:

Section E - Removing the ability to file specimens

117 Do you agree that the filing of a physical specimen as part of a registered design application should be disallowed?

Not Answered

118 If not, the reason is (tick all that apply):

Other (please specify)

Misc changes:

Although it will be a rare occasion where a physical sample is needed represent a design adequately, query whether there should be a change in practice that means such a design cannot be registered.

Section E - Provision to allow the registrar to share an application before publication

119 Do you agree that the registrar should be allowed to share an application before publication for the purpose of carrying out his statutory duties?

Yes

120 If not, why not?

Misc changes:

Section E - Powers to make a late objection

121 Do you agree with the proposal to introduce a provision to allow the registrar to raise objections to matters coming to his attention after an opposition period, should the government introduce one in future?

Yes

122 If not, why not?

Misc changes:

Section E - Warrant of validity and liability

123 Do you agree that warrant of validity and liability provisions should be similar across trade marks, patents and designs?

Yes

124 If not, why not?

Misc changes:

Section E - Rectification of the register

125 Do you agree that the Registered Designs Act 1949 should be amended give the registrar of designs the power to rectify the designs register?

Yes

126 If not, why not?

Misc changes:

127 Do you think the power should be limited or have safeguards? For example, limited to rectifying specific issues (e.g. only entitlement/ownership) or in particular circumstances (e.g. only unopposed requests, or with agreement of both parties)?

Misc changes:

Yes. Contested rectifications should continue to require an application to be made to the court.

Section E - Updating provisions relating to inspection of designs

128 Should the Act be updated to reflect that representations for currently registered designs are made available online?

Yes

129 How important is it to you to have access to historical design records?

Important

130 Please provide a reason for your answer:

Misc changes:

Historical design records may be relevant in the context of invalidity proceedings.

Section E - Power to direct the use of forms

131 Should the registrar be able to direct forms for any purpose relating to the registration of a design and any other design proceeding?

Yes

132 If not, why not?

Misc changes:

Section E - Priority claims

133 Please rank the options for dealing with designs priority claims in order of preference, with 1 being highest preference and 3 being lowest preference:

Please provide your answer - Option 0: Maintain current practice (do nothing).:

3

Please provide your answer - Option 1: Only require details of a priority claim. Do not require a declaration of identicalness or a priority document.:

1

Please provide your answer - Option 2: Require details of a priority claim and a priority document whenever a priority claim is made, once the IPO has joined WIPO DAS for designs.:

134 If the IPO introduces searching for designs, do you agree that the IPO should be able to request a copy of the priority document where the validity of the priority claim is relevant to the novelty or individual character of the design being examined?

Yes

135 Please provide any additional information relevant to priority claims:

Misc changes:

Section E - Assessment of impacts

136 Do you agree with our assessment of the impacts as set out in annex 2?

Not Answered

137 Are there any impacts which we have not been included but should be?

Not Answered

138 If yes, please briefly explain which additional impacts should be included:

Misc changes:

Section F - Simplification of unregistered designs and overlap with copyright

139 Do you agree that the options above should be discounted?

Not Answered

140 If not, which option do you think we should consider further?

Please provide your answer - Abolish SUD and retain design right:

Please provide your answer - Abolish unregistered designs and extend copyright:

Please provide your answer - Keep the system the same and provide improved guidance:

Section F - Options

141 Which of the following is more important to you?

Not Answered

142 Please rank the options in order of preference, with 1 being the most preferred option and 4 being the least preferred option:

Please provide your answer - Option 0:

Please provide your answer - Option 1:

Please provide your answer - Option 2:

Please provide your answer - Neither:

143 Would harmonising the following aspects make it easier for you to use the system?

Please provide your answer - Qualification requirements:

Please provide your answer - Term of protection:

144 Do you agree that a single qualification requirement should apply to both aesthetic and functional aspects of a design?

Not Answered

145 Do you agree that a single term of protection should apply to both aesthetic and functional aspects of a design?

Not Answered

146 If term of protection is harmonised, how long should it be (please choose preferred option):

Not Answered

Simplification:

Section F - Other legal considerations

147 To what extent should unregistered design be harmonised or consolidated?

Please provide your answer - Harmonise some legal provisions but keep separate regimes:

Please provide your answer - Create a single right which is harmonised in some respects but where different provisions may apply to aesthetic and functional aspects of a design:

Please provide your answer - Create a single right where the same provisions apply to both the aesthetic and the functional aspects of a design:

148 Do you agree that the SUD legal framework should apply to a new consolidated unregistered design, if introduced?

Not Answered

149 Do you agree that the repair/spare parts provisions should be harmonised across all different types of design protection?

Not Answered

150 If yes, we should use the provisions currently used for (tick preferred option):

Not Answered

151 Do you think that design protection for a component part of a complex product should be limited to features which are visible in normal use?

Not Answered

152 Do you think that design protection for any product should be limited to features which are visible in normal use?

Not Answered

153 How important to you is the ability to protect the internal configuration of a product?

Not Answered

154 Are there any elements of the design right regime which you think should be used in a consolidated right, rather than going fully with SUD regime?

Simplification:

155 Please provide any additional comments in relation to simplification of designs here:

Simplification:

Section F - Consolidation

156 Do you find the number of legal instruments relating to design law confusing?

Yes

157 Do you think the government should consider consolidating designs law into a single piece of legislation?

Yes

158 Please provide any additional comments in relation to consolidation of designs law here:

Simplification:

Section F - Overlap with copyright

159 Do you think there is still confusion about items protected by copyright and design rights following recent case law?

Not Answered

160 Are there other changes to the copyright framework which could be considered under Option 4?

Simplification:

161 Are there exceptions in the copyright framework which could be added, amended or removed to provide more balance in the system to add to Option 5?

Simplification:

162 Do you prefer:

Not Answered

163 Please provide any additional comments in relation to copyright here:

Simplification:

Section F - Assessment of impacts

164 Do you agree with our assessment of the impacts as set out in annex 2?

Not Answered

165 Are there any impacts which we have not been included but should be?

Not Answered

166 Please supply any other information which you consider would be useful to help us assess the impacts of the options:

Simplification:

Section G - Post Brexit issues relating to unregistered designs

167 Do you agree that the options above should be discounted?

Not Answered

168 If not, which option do you think we should give further consideration to:

Please provide your answer - Seeking reciprocal recognition of disclosure within the EU:

Please provide your answer - Allowing any disclosure abroad to give rise to SUD:

Section G - Post Brexit issues relating to unregistered designs - Options

169 Please rank the options in order of preference (1 = most preferred, 5 = least preferred)

Please give us your views - Option 0 - Do nothing:

Please give us your views - Option 1 – Unilaterally recognise simultaneous disclosure in law:

Please give us your views - Option 2 – Introduce a grace period:

Please give us your views - Option 3 – Creation of SUD following first disclosure anywhere in the EU:

Please give us your views - Option 4 – Creation of SUD following first disclosure anywhere in the world:

170 If a simultaneous disclosure provision is introduced into UK law, should we recognise simultaneous disclosures made in (you can select multiple answers):

Please specify:

171 What should constitute simultaneous disclosure?

Not Answered

Please specify:

172 Do you think a grace period should be introduced for unregistered designs?

Not Answered

173 If the government introduces a grace period for unregistered designs, how long should this be?

Not Answered

Please specify:

174 If we allow disclosures abroad to give rise to SUD, should we recognise disclosures:

Not Answered

Please specify:

175 To what extent are you concerned about asymmetry i.e. other jurisdictions not reciprocating any measure the UK introduces?

Not Answered

176 Please provide any further relevant information which you think will help us assess which option to take forward:

Please give us your views/evidence:

Section G - Post Brexit issues relating to unregistered designs - Evidence

177 Please provide any evidence, as stated:

Please give us your views/evidence:

Section G - Assessment of impacts

178 Do you agree with our assessment of the impacts as set out in annex 2?

Not Answered

179 Are there any impacts which we have not been included but should be?

Not Answered

180 Please supply any other information which you consider would be useful to help us assess the impacts of the options:

Please give us your views/evidence:

Section H - Call for evidence on criminal sanctions for design infringement

181 For the infringement of registered designs rights, what has been your experience of the typical costs, duration, remedies sought, and outcome associated with pursuing an infringement dispute? Costs of proceedings

Not Answered

Please specify:

182 For the infringement of registered designs rights, what has been your experience of the typical costs, duration, remedies sought, and outcome associated with pursuing an infringement dispute?Duration

Not Answered

Please specify:

183 For the infringement of registered designs rights, what has been your experience of the typical costs, duration, remedies sought, and outcome associated with pursuing an infringement dispute? Remedies sought (tick all which apply).

Please specify:

184 For the infringement of registered designs rights, what has been your experience of the typical costs, duration, remedies sought, and outcome associated with pursuing an infringement dispute?Outcome

Please give us your views:

185 Have you experienced or made any changes in business practices since the introduction of criminal sanctions for the infringement of registered designs?

Not Answered

186 If yes, has this been;

Not Answered

Please specify/give more information:

187 Have criminal sanctions for the infringement of registered designs been providing an effective deterrent effect, in your experience? To allow government to assess impacts, please provide evidence to support your answer. (Evidence could include analysis of caseloads or enforcement costs before and after the introduction of criminal sanctions for registered designs, and/or international comparisons of legislative regimes with criminal sanctions for registered designs and infringement rates.)

Please give us your views:

188 Have you experienced any negative impact linked to the introduction of criminal sanctions for the infringement of registered designs? If yes, please provide supporting evidence.

Not Answered

Please give us your views/evidence:

189 Do you have evidence or experience of the current prevalence of unregistered design infringement?

Not Answered

190 How do you currently address infringement disputes for unregistered designs? Legal proceedings:

Please specify:

191 How do you currently address infringement disputes for unregistered designs? Out of court:

Please specify:

192 What are the typical costs, duration, remedies sought, and outcome in currently available litigation routes for an infringement of unregistered designs? Costs

Not Answered

Please specify:

193 What are the typical costs, duration, remedies sought, and outcome in currently available litigation routes for an infringement of unregistered designs? Duration

Not Answered

Please specify:

194 What are the typical costs, duration, remedies sought, and outcome in currently available litigation routes for an infringement of unregistered designs? Remedies sought

Please specify:

195 What are the typical costs, duration, remedies sought, and outcome in currently available litigation routes for an infringement of unregistered designs? Outcome

Please give us your views/evidence:

196 If a criminal offence is introduced for infringement of unregistered designs, should any adaptations to that offence be made to reflect the different context of unregistered designs?

Please give us your views/evidence:

197 What conditions of intentional copying do you believe would be necessary for a criminal offence?

Please give us your views/evidence:

198 Please provide any further evidence and/or information on the prevalence of unregistered design infringement and its impacts.

Please give us your views/evidence:

199 Do you have evidence from other jurisdictions that having criminal sanctions for the infringement of registered or unregistered (or equivalent) design protection reduces instances of infringement?

Please give us your views/evidence:

200 Do you have any concerns about the possible introduction of criminal remedies for unregistered designs?

Not Answered

201 If yes, please provide further information.

Please give us your views/evidence:

Section I - Call for evidence on inclusion of claims made under the Registered Designs Act 1949 within the Intellectual Property Enterprise Court's small claims track

202 Since 2020, have you been involved in a dispute, or considered launching a dispute, in relation to a registered design that you consider would have been suitable for the Intellectual Property Enterprise Court's small claims track, if it heard these types of cases?

Not Answered

203 Have you been a party to a dispute at the IPEC concerning an unregistered design where the validity of the design right has been challenged?

Not Answered

204 If yes, how often has this occurred?

Please give us your views:

205 If yes, was the case(s) able to be heard within the IPEC SCT?

Not Answered

206 Do you have any evidence from other jurisdictions to indicate that lower cost dispute procedures are/are not appropriate forums for registered designs cases?

Not Answered

207 If yes, please provide details of the evidence and the jurisdiction(s)

Please give us your views:

208 Do you support the inclusion of registered designs cases within the IPEC SCT?

Not Answered

209 Do you think that most registered designs cases are suitable for the IPEC SCT?

Not Answered

210 If not, why not?

Please give us your views:

211 If there is a risk that registered designs cases could be moved from the IPEC SCT to the multi-track would this deter you from launching proceedings at the SCT?

Not Answered

212 If registered design cases were included within the IPEC SCT, are there any other additional measures that could be taken to ensure these cases were handled effectively?

Not Answered

213 Are there any alternatives to the inclusion of registered designs cases in the IPEC SCT that would improve access to justice for individual designers and SMEs?

Not Answered

214 Please provide any additional information or evidence or case studies to support your responses

Please give us your views: